

PLAINTIFF'S EXHIBIT K

1 IN THE CIRCUIT COURT OF COOK JUDICIAL CIRCUIT

2 COOK COUNTY, ILLINOIS

3 PEOPLE OF THE STATE OF) Criminal Division
4 ILLINOIS,)
5 Plaintiffs,)
6))
7 - vs -) 90-C-R-8602
8))
9 LATHIERIAL BOYD,)
10 Defendant.)

11 RECORD OF PROCEEDINGS had in the
12 hearing of the above-entitled cause before the
13 Honorable SHELVIN SINGER, Judge of said court
14 on the 23rd day of October, A. D. 1990.

15 PRESENT:

16 MR. CECIL A. PARTEE,
17 State's Attorney for Cook County, by
18 MS. LORI LEVIN, and
19 MR. JAMES BAILEY,
20 Assistant State's Attorneys,
21 on behalf of the People of the
22 State of Illinois;

23 MR. EMORY ANDREW TATE,
24 on behalf of the Defendant.

25 ROCHINA V. CHOLEWA
26 Official Court Reporter
27 Criminal Division

1 THE CLERK: People of the State of Illinois
2 versus Lathierial Boyd.

3 THE COURT: The record should reflect the
4 defendant is present in his own person and that
5 of his counsel and the State is present through
6 its counsel.

7 State ready to proceed?

8 MS. LEVIN: Yes.

9 MR. TATE: Defense ready.

10 THE COURT: Call your next witness.

11 MS. LEVIN: People call Detective Richard
12 Zuley.

13 MR. TATE: Motion to exclude.

14 THE COURT: Motion to exclude witnesses
15 still in force and I will ask both sides to
16 police their own witnesses.

17

18 D E T E C T I V E R I C H A R D Z U L E Y,

19
20 called as a witness by the State's Attorney
21 herein, having been first duly sworn, was
22 examined and testified as follows:

23

24

1 Michael Fleming, one Ricky Warner, one Boris
2 Kabarov (phonetic), one David Lofton and one
3 Richard Ketchek?

4 A. Yes, ma'am, I was.

5 Q. With respect to this investigation did
6 you have occasion to go on March 7th or March
7 8th, 1990 to the Intensive Care Unit of the
8 Spinal Care Section of Northwestern University
9 Hospital?

10 A. Yes.

11 MR. TATE: Objecting unless a specific date
12 was mentioned.

13 She mentioned two dates.

14 THE COURT: Two dates you mentioned. I
15 will sustain.

16 BY MS. LEVIN:

17 Q. Sir, do you recall if it was the 7th or
18 8th of March, 1990 that you went to the Spinal
19 Care Unit of Northwestern Hospital?

20 MR. TATE: Withdraw objection.

21 THE WITNESS: One of the dates.

22 MR. TATE: Objection and moving to strike his
23 answer as one of those days not being
24 sufficient.

1 THE COURT: At this juncture I will overrule.

2 BY MS. LEVIN:

3 Q. Do you recall approximately what time
4 you went to the Intensive Care Unit of the
5 Spinal Care Unit of Northwestern University
6 Hospital?

7 A. Approximately 6:00 in the evening,
8 6:30.

9 Q. Is this in Chicago, Cook County,
10 Illinois?

11 A. Yes.

12 Q. Who did you see when you got to that
13 location?

14 A. I was there to interview Ricky Warner.

15 Q. During the course of that did you have
16 occasion to show him some photos?

17 A. Yes.

Q. How did you show him the photos?

19 A. Because he didn't -- couldn't hold the
20 photos himself or move his hands --

21 MR. TATE: Objecting.

22 Moving to strike that answer.

23 THE COURT: I think it is not responsive
24 but I am not sustaining it based on nonrespon-

1 A. The gentleman sitting to the right of
2 counsel; Mr. Boyd, wearing the pink shirt.

3 MS. LEVIN: The record reflect the in-court
4 identification of the defendant, Lathierial
5 Boyd.

6 THE COURT: Record so reflect.

7 MS. LEVIN: One moment, please?

8 BY MS. LEVIN:

9 Q. Did you inventory People's Group
10 Exhibit No. 19?

11 A. That is the Polaroid photos?

12 Q. Yes?

13 A. Yes, I did.

14 Q. Did you take them out of inventory
15 prior to the case starting and give them to
16 myself?

17 A. Yes.

18 Q. Sir, I show you what has been pre-
19 viously marked as People's Exhibit No. 20 for
20 Identification.

21 Do you recognize this?

22 A. Yes, ma'am, I do.

23 Q. What is this?

24 A. A small note pad, paper from Federal

1 Express.

2 Q. Have you ever seen it before?

3 A. Yes.

4 Q. When did you see it before?

5 THE COURT: That is No. 20 now?

6 MS. LEVIN: Yes, sir.

7 THE WITNESS: I saw it at Northwestern
8 Hospital where I recovered it from the Spinal
9 Care Unit.

10 I was told that it was given to
11 them by Ricky Warner.

12 MR. TATE: Objection to what he was told.

13 THE COURT: Sustained.

14 MS. LEVIN: This is not offered for the
15 truth of the matter asserted.

16 It explains what he next did with
17 it.

18 THE COURT: I am not going to consider this
19 in any chain.

20 MS. LEVIN: That is fine.

21 THE COURT: I will let it in for that limited
22 purpose.

23 THE WITNESS: After it was given to me I
24 took it in to Mr. Warner's room and asked Ricky

1 THE COURT: Overruled.

2 THE WITNESS: May I answer?

3 THE COURT: Yes.

4 THE WITNESS: Mr. Boyd had told me that
5 Ricky Warner was confusing him with his cousin,
6 Kerry Kelly, and he told me the two of them bore
7 a very striking resemblance to one another.

8 I picked up the photograph of Mr.
9 Kelly, had a photograph taken, saw they did not
10 show a striking resemblance and had a photograph
11 taken to show there was no mistaken identifi-
12 cation.

13 BY MR. TATE:

14 Q Mr. Warner didn't have any difficulty
15 with the photographs on the first time you
16 showed him?

17 A Not at all.

18 Q He didn't have any difficulty the
19 second time?

20 A Absolutely none.

21 Q Did you mention the defendant's names
22 to Ricky Warner at the time you showed him
23 photographs?

24 A I asked him if he could pick out Ray.

1 Q. You did mention Rat?

2 A. Yes, sir, I did.

3 Q. When did you first become acquainted
4 with the nickname Rat in terms of date and time?

5 A. My initial involvement in the investi-
6 gation was in trying to identify Rat --

7 Q. No; when?

8 A. I don't know the date. A week,
9 probably earlier

10 Q. A week before you showed him the
11 photographs?

12 A. Yes.

13 Q. Which photographs -- Now, sir, you are
14 asking about the 12th or are you talking about
15 the 7th or 8th?

16 A. The 7th or 8th.

17 It wasn't a week before then, no.

18 Q. At the time you showed the photographs
19 to him on the 8th you were aware of the nickname
20 Rat?

21 A. Yes, sir

22 I had identified Rat and that is
23 what I was doing over there at that point.

24 Q. When you showed those photographs to